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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,248	06/11/2001	Jang-hoon Yoo	1293.1213	7975
49455	7590	03/28/2005	EXAMINER	
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			HINDI, NABIL Z	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/877,248 NABIL Z HINDI	YOO ET AL Art Unit 2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 February 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-5,9-11,15-20,22,25,26,29,30 and 32-34 is/are rejected.
- 7) Claim(s) 2, 6-8, 12-14, 21, 23, 24, 27 and 28 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/22/05</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

In response to applicant's filing of the RCE dated Feb 22, 2005. The following action is taken:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 9-11, 15-20, 22, 25, 26, 29, 30 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0973160.

The reference shows a different type optical disk reading apparatus comprising: a first and second laser sources for reading different type disks 310, 320, a holographic light coupler to separately guide the first and second lights 330, an optical path changing element 340, photo detection means wherein the holographic element is disposed between the light sources and the optical path changing element as shown in fig 3.

With respect to the limitation of claim 3. the claim read on passing the light beams onto a common path even if one of the incident light beam is incident at an angle.

With respect to the limitations of claim 4 and 5. See elements 310, 320 wherein having steps in the holographic element is well established in the art see page 4 table 2.

With respect to the limitation of claim 10 see elements 310 and 320.

With respect to the limitation of claim 11 see element 330.

With respect to the limitations of claims 15-19. The claims are drawn to the hologram structure. Table 2 on page 4 of the reference discloses the use of hologram grating that is different from one zone to another.

With respect to the limitations of claims 19 and 20 see fig 3.

With respect to the limitation of claim 22 see page 4 lines 30-35.

With respect to the limitation of claim 25 see the objective lens in fig 3.

With respect to the limitations of claims 29, 30 and 32-34. The reference discloses the use of a photo detection means for receiving the zero and the non-zero beams reflected from the disk.

Claims 2, 6-8, 12-14, 21, 23, 24, 27, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the cited prior art shows or teaches the use of a polarizing beam splitter and a $\frac{1}{4}$ wavelength plate within the claimed apparatus nor the use of the transmittance percentage as claimed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6452880 and 6657931.

Any inquiry concerning this communication should be directed to NABIL Z HINDI at telephone number (571) 272-7618.


NABIL HINDI
PRIMARY EXAMINER
GROUP 2500
2655